

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Case No. 1:20-cr-00183-RJJ

Plaintiff,

v.

Hon. Robert J. Jonker

BARRY GORDON CROFT

Defendant(s).

**GOVERNMENT'S
INITIAL PRETRIAL CONFERENCE
SUMMARY STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements (Rule 16(a)(1)(A))

☐

There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

☒

There are the following written records of oral statements:

-FBI Report of Custodial Interrogation (also audio/video recorded)

The substance of which

☐

has been disclosed to defense counsel.

☒

will be disclosed to defense counsel by January 15, 2021.

2. Written or Recorded Statements (Rule 16(a)(1)(B))

☐

There are no written or recorded statements or grand jury testimony of defendant.

☒

There are the following written or recorded statements or grand jury testimony:

-Audio recordings (covert surveillance)
-Audio/video recording of custodial interview
-Text messages, chats
-Audio/video recordings sent through social media

All written or recorded statements

☐

have been disclosed to defense counsel.

☒

will be disclosed to defense counsel by January 15, 2021.

B. Defendant's Prior Record (Rule 16(a)(1)(D))

- ☐ The Government has made due inquiry and is not aware of any prior criminal record.
- ☒ The Government has disclosed defendant's prior criminal history.
- ☐ The Government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects (Rule 16(a)(1)(E))

- ☐ The Government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The Government has the following documents, tangible objects, and physical evidence:
- ☐ Drug Paraphernalia ☐ Drug Records ☐ Inventory (attached)
- ☐ Controlled Substances: _____
- ☐ Records: _____
- ☒ Firearms: 300 Blackout .223 cal rifle; see returns on warrants listed below
- ☒ Other: See returns on warrants listed below
- ☒ The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
- ☐ State
- ☒ Federal:
- Case No. 20-273M (Facebook) Re: 20-mj-349, 392, 393, 394, 396 (ping)
- Case No. 20-274M (Phone) Re: 20-mc-505016-10 (electronic devices)
- Case No. _____ Re: _____
- ☐ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with:
- FBI Special Agent Thomas Szymanski

D. Reports of Examinations and Tests (Rule 16(a)(1)(F))

- ☐ The Government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☒ The Government has or expects to have reports of the following examinations and tests:
- ☐ Drug Analysis ☐ Handwriting ☒ Fingerprints
- ☐ DNA ☒ Firearms/Nexus ☒ Gun Operability
- ☒ Computer Forensics ☐ Other: _____

E. Reciprocal Discovery

- ☒ The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

- ☒ The Government does not presently intend to introduce 404(b) evidence.
- ☐ The Government does presently intend to introduce the following 404(b) evidence:

- ☐ The Government will provide pretrial notice of 404(b) evidence by _____ .

G. Other Discovery Matters

II. TRIAL

- A. The Government requests a ☒ jury ☐ non-jury trial.
- B. The length of trial excluding jury selection is estimated at 3 weeks .

III. MISCELLANEOUS

The parties acknowledge that if the case is appropriate for expedited resolution, a joint motion for expedited sentencing shall be filed within 14 days of arraignment.

- ☒ The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.
- ☐ The Government is aware of the following potential conflicts:

- ☒ Government's plea negotiation policy:

To benefit from concessions by the government, Defendant must enter plea agreement 4 weeks before the final pretrial conference.

Date December 17, 2020

Austin J. Hakes
Counsel for the United States